

REMARKS

The Office Action dated April 9, 2004 has been received and carefully considered. In this response, claims 16, 33 and 34 have been amended. These amendments are made to improve the clarity and readability of the claims and are not intended to differentiate the claimed invention from the prior art. Support for the amendments to the claims may be found in the specification and figures as originally filed. No new matter is introduced by the amendments. Reconsideration of the outstanding rejections in the present application therefore is respectfully requested based on the following remarks.

Anticipation Rejection of Claims 1, 2, 6-10, 13-15, 20 and 21

At page 3 of the Office Action, claims 1, 2, 6-10, 13-15, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Maturi (U.S. Patent No. 5,559,999). This rejection is respectfully traversed.

Claim 1, from which claims 2 and 6-10 depend, recites, in part, the limitations of a framer module having an input node to receive the transport stream data, a data output node to provide a *framer data which is a representation of the transport stream data*, and a *data enable output node to provide a signal to indicate a valid data on the data output node*. Claim 1 further recites the limitations of a first parser module having a data input node coupled to the data output of the framer module to receive the framer data, a data enable input node coupled to data the data enable output node of the framer module, a *data output node to provide a first parser data when the framer data is a first data type*, wherein the first parser data is a representation of the framer data, a *first data enable output node to provide a signal to indicate a valid first parser data on the data output node of the first parser*, and a *second data enable output node to provide a signal to indicate the framer data is of a second data type*. Claim 13, from which claims 14, 15, 20 and 21 depend, recites similar limitations.

The Examiner asserts that Maturi discloses at least these limitations and cites Figure 3 of Maturi in support of this assertion. Specifically, the Examiner asserts that the output of element

22 of Figure 3 discloses the data output node to provide framer data which is a representation of a transport stream data and the data enable output node that provides a signal to indicate a valid data on the data output node as recited by claims 1 and 13. However, it is respectfully submitted that neither Figure 3 of Maturi nor the corresponding passages of the specification of Maturi disclose or suggest that the output of element 22 is a framer data which represents transport stream data or that the output of element 22 is a data enable output that provides a signal indicating valid data on the data output node. In addition, the Examiner asserts that the output from element 34 to element 20 of Figure 3 discloses the first data enable output node to provide a signal to indicate a first type of framer data and that the output from element 34 to element 24 discloses the second data enable output node to provide a signal to indicate a second type of framer data. Contrary to the Examiner's assertions, the Applicant respectfully submits that neither Figure 3 nor the corresponding passages of the specification of Maturi disclose or even suggest enable output nodes to provide signals to indicate first or second types of framer data as recited in claims 1 and 13. Accordingly, because the Office Action fails to establish that Maturi discloses or suggests at least these limitations, Maturi necessarily fails to disclose each and every limitation recited in claims 1 and 13, and in claims 2, 6-10, 14, 15, 20 and 21 at least by virtue of there dependency from one of claims 1 or 13. Moreover, these claims recite additional limitations neither disclosed nor suggested by Maturi.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 1, 2, 6-10, 13-15, 20 and 21 is improper at this time and the withdrawal of this rejection therefore is respectfully requested.

Anticipation Rejection of Claims 22-24, 33 and 34

At page 5 of the Office Action, claims 22-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hoogenboom (U.S. Patent No. 5,517,250). This rejection is respectfully traversed.

Claim 22, from which claims 23 and 24 depend, recites, in part, the limitations of a first parser means for analyzing a header of the data packet *before a payload header is received* and a

second parser means *physically separate from* the first parser means for analyzing the payload header. The Examiner asserts that element 32 and 40 of Figure 1 of Hoogenboom disclose the first and second parser means, respectively, as recited in claim 22. However, the Applicant respectfully submits that neither element 32 of Figure 1 nor the related passages of Hoogenboom disclose or suggest parser means for analyzing a header of a data packet *before a payload header is received* as recited in claim 22. The only passage of Hoogenboom identified by the Applicants as related to the functionality of element 32 states only that “[a] plurality of transport packets 80 are received by the transport syntax parser 32, which strips the payload information that is necessary from successive transport packets to reconstruct a PES payload 74.” Hoogenboom, col. 9, lines 25-27. It will be appreciated that this passage neither discloses nor suggests the analysis of a header of a data packet before a payload header is received. Additionally, it is respectfully submitted that Hoogenboom fails to disclose or suggest that elements 32 and 40 are physically separate whereas claim 22 recites the limitations that the first and second parser means are physically separate. Although illustrated as separate features in Figure 1, it will be appreciated that Hoogenboom describes Figure 1 as a “block diagram of a video decompression monitor ...” and thus illustrates the functional, but not physical, layout of the video decompression monitor. Hoogenboom, col. 5, lines 43-45. Accordingly, because the Office Action fails to establish that Hoogenboom discloses or suggests at least these limitations, the Office Action necessarily fails to establish that Hoogenboom discloses or suggest each and every limitation of claim 22 and of claims 23 and 24 at least by virtue of their dependency from claim 22. Moreover, claims 23 and 24 recite additional limitations neither disclosed nor suggested by the cited art.

Claim 33, from which claim 34 depends, recites, in part, the limitations of parsing a first set of data in a header of a transport packet using a hardware adaptation field parser when the PES is a non-video PCR PES and parsing a second set of data in the header of the transport packet using a hardware adaptation field parser when the PES is a video PCR PES, wherein the second set includes more elements than the first set. To paraphrase these limitations, *a first set of data in the header of the transport packet* is parsed when the PES is a non-video PCR PES, whereas *a second set of data in the header* is parsed when the PES is a video PCR PES. The Examiner proposes that the combination element 86 of Figure 2B and element 92 of Figure 2C of Hoogenboom disclose at least these limitations. However, as provided by Hoogenboom, element

86 represents an adaptation field used to vary the size of a packet header and element 92 is described as an audio transport packet. *See* Hoogenboom, col. 8, lines 54-65 and col. 9, line 19. Thus, the adaptation field 86 does not represent a first set of data as understood from the context of claim 33 and the disclosure of the present application. Moreover, as element 92 is a transport packet itself, it is not analogous to a second set of data in the header of a transport packet as recited in claim 33, the Examiner's assertions notwithstanding. Accordingly, it is respectfully submitted that the Office Action fails to establish that Hoogenboom discloses or suggests at least these limitations, and thus fails to establish that Hoogenboom discloses or suggests each and every limitation of claims 33 and 34.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 22-24, 33 and 34 is improper at this time and the withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claims 16-19

At page 6 of the Office Action, claims 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoogenboom in view of Ort (U.S. Patent No. 6,043,828). This rejection is respectfully traversed.

Claim 16, from which claims 17-19 depend, recites, in part, the limitations of providing a start indicator to a first parser, the start indicator indicating a first data block of the data packet, the data packet having a predetermined number of data blocks, analyzing at the first parser at least a portion of the first N data blocks after the start of the data packet to determine a data type of a subsequent data block of the data packet, wherein the subsequent data block is after the first N data blocks, enabling a second parser to receive the subsequent data block when the data type of the subsequent data block is a first data type and enabling a third parser to receive the subsequent data block when the data type of the subsequent data block is a second data type. The Examiner asserts that the proposed combination of Hoogenboom and Ort discloses these limitations. However, with respect to the limitations of providing the start indicator, analyzing at least a portion of the first N data blocks and enabling a second parser to receive the subsequent

data blocks, the Examiner makes the general assertion that Hoogenboom discloses these limitations, while citing only elements 32, 40, 102, PES HDR and PES PAYLOAD of Figures 1 and 3 without further explanation or description. Elements 102, PES HDR and PES PAYLOAD only illustrate various elements of a packet and elements 32 and 40 are illustrated only as “transport syntax parser” and “video syntax parser,” respectively, in Figure 3. The Applicant therefore respectfully submits that the Examiner has failed to establish how elements 32, 40, 102, PES HDR and PES PAYLOAD of Figures 1 and 3 of Hoogenboom disclose or suggest the limitations of providing the start indicator, analyzing at least a portion of the first N data blocks and enabling a second parser to receive the subsequent data blocks as recited in claim 16. The Office Action does not indicate that Ort discloses these limitations. Accordingly, it is respectfully submitted that the Office Action fails to establish that the proposed combination of Hoogenboom and Ort disclose each and every limitation of claim 16 and of claims 17-19 at least by virtue of their dependency from claim 16. In the event that the Examiner continues to reject claims 16-19 in view of Hoogenboom, the Applicant respectfully requests that the Examiner more clearly describe the basis for the rejection of these claims.

Accordingly, it is respectfully submitted that the obviousness rejection is improper at this time and withdrawal of this rejection therefore is respectfully requested.

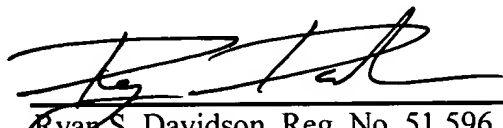
Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

July 9, 2004
Date


Ryan S. Davidson, Reg. No. 51,596
On Behalf Of
J. Gustav Larson, Reg. No. 39,263
Attorney for Applicant
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)